

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7788-2018

Date of Decision: 28.3.2018

Jal Vayu Towers Apartment Owners Association, Gurgaon

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Raman Gaur, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notice dated 27.6.2016 (Annexure P-5) vide which the payment of an additional price of ₹ 1958.27 per square meter totalling ₹ 4,68,52,475/- has been demanded from the members of the petitioner-Society.

2. The petitioner-Society was allotted the land 4000 square meter by respondent No.4 vide allotment letter dated 19.8.1999 (Annexure P-1) for the purpose of construction of multi-storeyed apartments in Gurgaon. The petitioner has been served with Memo/Notice dated 27.06.2016 (Annexure P-5) asking them to deposit additional price of ₹ 1,958.27 per square yard, amounting to ₹ 4,68,52,475/-. The aggrieved Society have laid challenge to the above-stated demand notice.

3. We have heard learned counsel for the petitioner.

One of the grievance in this writ petition is that the petitioner

had been asking HUDA Authorities to supply the details as to how the additional demand has been raised on the basis of enhancement of compensation of the acquired land. It is further apparent from record that no sooner the notice for additional demand was received, the petitioner submitted its reply dated 22.8.2016 (P-8) but no further action appears to have been taken. Since the petitioner is entitled to know as to how the enhancement in allotment price has been determined, the writ petition is disposed of at this stage with a direction to respondents No.2 and 3 to supply complete statement of accounts and calculation sheet to the petitioner-Society explaining as to how the additional amount has been determined. After receipt of calculation sheet/details, the petitioner-Society may submit fresh representation-cum-objections which shall be considered by the Prescribed Authority in accordance with law. In case the Authority does not accept the petitioner's objections, a reasoned order shall be passed. The calculation sheet/details shall be supplied to the petitioner within a period of two weeks from the date of receiving a certified copy of this order and representation-cum-objections shall be filed within two weeks thereafter. The speaking order shall be passed within a period of two months from the date of receiving the representation-cum-objections.

5. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

March 28, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No